

REF: Commission docket number MB 04-160

I am writing to voice my strong opposition to the National Association of Broadcasters
Petition for Declaratory Ruling. Such a ruling would stifle a developing market for
satellite radio that is rapidly growing and serving the general public in creative ways. As
standard broadcast radio in the FM and AM bands has becoming increasingly nationally
syndicated with much of the broadcast material being generated outside the local
community, the NAB and their stations have chosen to neglect their local markets.
Satellite Digital Audio Radio Service should not be penalized so that the NAB and their
members may maintain a monopoly on a market segment they have chosen to neglect. If
the NAB member stations were providing adequate locally oriented services then there
would not be the demand from SDARS subscribers to directly pay for such programming.

There are countless examples of "local" radio stations falling short of serving their
communities. I continue to hear traffic reports taped an hour earlier than broadcasted.
When hurricanes have hit the east coast numerous radio stations in the impacted areas
continued to broadcast nationally syndicated shows instead of information on emergency
evacuation, shelters and detailed information on the hazard in the community.

SDAR is a developing technology serving new listeners who choose to <<pay>> for
subscriptions for access to a variety of focused programming. If the market exists for
local programming, the SDAR providers must be allowed to pursue it. We have seen
what existing AM/FM broadcasters are providing and it is lacking.

Please decline the NAB's petition for Declaratory Ruling. It is not in the interest of the
American public and will not serve local communities.

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